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Attorneys for Defendants  
JAE JUNG KIM and  
TRI-CITY BODY & PAINT, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

AUTOMOTIVE INDUSTRIES PENSION  
TRUST FUND, JAMES H. BENO, Trustee,  
BILL BRUNELLI, Trustee, STEPHEN J.  
MACK, Trustee, CHRIS CHRISTOPHERSEN,  
Trustee, DON CROSATTO, Trustee, MARK  
HOLLIBUSH, Trustee, JON ROSELLE, Trustee,  
DOUGLAS CONRFORD, Trustee, and JAMES  
V. CANTERBURY, Trustee,

Plaintiffs,

vs.

JAE JUNG KIM dba TRI-CITY BODY &  
PAINT; TRI-CTIY BODY & PAINT, INC., a  
California Corporation; and DOES 1-20,

Defendants.

Case No. 4:13-cv-01597-KAW

**STIPULATION AND ~~PROPOSED~~ ORDER  
TO EXTEND TIME TO RESPOND TO  
COMPLAINT**

The parties have stipulated to a 30-day extension of Defendants' deadline to respond to Plaintiffs' Complaint, which is currently set for August 19, 2013, and seek the Court's approval for same.

1. Good cause exists for the request: This action arises under the Employer Retirement Income Security Act of 1974 ("ERISA"), as amended by the Multiemployer Pension Plan Amendments Act of 1980 (29 U.S.C. §§ 1001-1461 (1982)), to recover withdrawal liability

STIPULATION AND [PROPOSED] ORDER EXTENDING TIME TO RESPOND TO COMPLAINT;

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#1360351

amounts allegedly owed by defendants Jae Jung Kim and Tri-City Body and Paint, Inc., (“Defendants”) to plaintiffs Automotive Industries Pension Trust Fund and its Trustees (“Plaintiffs”).

2. On April 9, 2013, Plaintiffs filed a Complaint in this matter.

3. Defendants have been served and have appeared in the action as follows:

a. Jae Jung Kim was served on April 29, 2013 (Dkt. 7)

b. Tri City Body and Paint, Inc., a California Corporation, was served on April 29, 2013 (Dkt. 8)

4. On May 16, 2013, the parties stipulated to a 30-day extension to June 19, 2013, for Defendants to respond to the Complaint.

5. On June 10, 2013, the parties stipulated and requested that the Court order a continuance of the initial case management conference and a further extension of Defendants’ time to respond to the Complaint. The Court endorsed the parties’ stipulation on June 10, 2013.

6. The parties respectfully request that the Court further extend Defendants’ time to respond to the Complaint by 30 days, to Wednesday, September 18, 2013.

7. The reason for the request is that the parties wish to have additional time to attempt a cooperative resolution of this matter prior to incurring the fees involved in responding to the Complaint. In the interest of minimizing costs as well as attorney’s fees and the Court’s time and resources, the parties would like to take the opportunity to attempt a settlement.

8. This is the second request the parties have made to extend time to respond to the Complaint:

a. On May 16, 2013, the parties stipulated to a 30-day extension of Defendants’ time to respond to the Complaint.

b. On June 10, 2013, the parties stipulated and requested that the Court order a 60-day extension of Defendants’ time to respond to the Complaint.

9. This further extension will not affect any other deadline on the Court’s calendar.

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1 DATED: August 14, 2013

TRUCKER ♦ HUSS

3 By: /s/Sean T. Strauss

Sean T. Strauss

Attorneys for Defendants

JAE JUNG KIM and TRI-CITY BODY &

PAINT, INC.

7 DATED: August 14, 2013

SALTZMAN & JOHNSON LAW COPORATION

9 By: /s/Anne M. Bevington

Anne M. Bevington

Attorneys for Plaintiffs

AUTOMOTIVE INDUSTRIES PENSION

TRUST FUND

14 I attest that my firm has obtained Ms. Bevington's concurrence in the filing of this document.

15 DATED: August 14, 2013

16 By: /s/Sean T. Strauss

Sean T. Strauss

Attorneys for Defendants

JAE JUNG KIM and TRI-CITY BODY &

PAINT, INC.

**ORDER**

Pursuant to the foregoing Stipulation, and good cause appearing, the Court hereby extends Defendants' deadline to respond to Plaintiffs' Complaint to September 18, 2013.

**PURSUANT TO STIPLUATION, IT IS SO ORDERED.**

Date: 8/16/13

  
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MAGISTRATE JUDGE KANDIS A. WESTMORE  
UNITED STATES DISTRICT JUDGE

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